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REMARKS

Claims 1, 3-26 and 28 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

In the Office Action, claims 6, 8-19, 21 and 23 were indicated as being allowable. Applicant would like to thank the Examiner for that indication.

Claims 3 and 4 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 3 and 4 have been rejected for being unclear. Claims 3 and 4 have been amended and Applicant submits that the indefiniteness rejection of claims 3 and 4 has been obviated.

Claims 1, 4, 5, 7, 20 and 24-26 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,453,772 to Moskob. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicant respectfully asserts that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

Claim 1 defines an apparatus for providing a rotational output comprising a rotatable output element, a transfer element providing a traversable circuit relative to the rotatable output element, a constraint arranged to constrain the transfer element against rotation about its own axis but allow eccentric oscillation of the transfer element and an input drive. The input drive is rotatable and arranged to cause oscillation of the transfer element by traversal thereof, relative to the rotatable output element, to provide a rotatable output.

The prior art of record does not disclose the above-noted features of claim 1. Specifically, the Moskob '772 patent does not disclose an input drive that is rotatable and arranged to cause oscillation of a transfer element by traversal thereof, relative to a rotatable output element, along with the remaining features of claim 1. In the Moskob '772 patent, the

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eccentric input element 8 of the rotary drive unit 3 does not traverse the transfer element. In the Moskob '772 patent, every point on an inner circumference of the transfer element 10 is in contact with the eccentric input element 8. Therefore, Applicant submits that the eccentric input element cannot be said to traverse the transfer wheel. Instead, the eccentric element rotates within the eccentric wheel. Applicant submits that rotating within is not traversing. The present invention as claimed in claim 1 is therefore novel over the Moskob '772 patent. Accordingly, claim 1 is in condition for allowance over the Moskob '772 patent. Furthermore, claims 3-25 and 28 depend from claim 1 and since claim 1 defines unobvious patentable subject matter as discussed above, claims 3-25 and 28 define patentable subject matter over the Moskob '772 patent. Therefore, claims 1, 3-25 and 28 are in condition for allowance.

Claim 26 defines a method of providing a rotational output comprising causing traversal of a rotatable output element relative to a traversable circuit of a transfer element in which the transfer element is constrained against rotation about its own axis but can oscillate eccentrally. An input drive causes oscillation of the transfer element and hence traversal relative to the rotatable output element to provide a rotational output.

The prior art of record does not disclose the above noted features of claim 26. Specifically, as discussed above in regard to claim 1, the Moskob '772 patent does not disclose an input drive that causes oscillation of a transfer element and hence traversal relative to a rotatable output element to provide a rotational output. In the Moskob '772 patent, the eccentric input element 8 of the rotary drive unit 3 does not traverse the transfer element. In the Moskob '772 patent, every point on an inner circumference of the transfer element 10 is in contact with the eccentric input element 8. Therefore, the eccentric input element cannot be said to traverse the transfer wheel. Instead, the eccentric element rotates within the eccentric wheel. Applicant submits that rotating within is not traversing. The claimed invention is therefore novel over the Moskob '772 patent. Accordingly, claim 26 is in condition for allowance over the Moskob '772 patent.

Claims 1, 3, 5, 7, 22 and 24-26 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,424,036 to Colgan. The subject matter of claims 1 and 26 along with the standard for rejecting a claim as being anticipated is outlined above.

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The prior art of record does not disclose the above noted features of claim 1. Specifically, the Colgan '036 patent does not disclose an input drive that is rotatable and arranged to cause oscillation of the transfer element by traversal thereof, relative to the rotatable output element along with the remaining features of claim 1. In the Colgan '036 patent, the eccentric member 24 on the input shaft 14 does not traverse the pinion gear 30. Instead, the eccentric member rotates within the pinion gear. Applicant submits that rotating within is not traversing. The claimed invention is therefore novel over the Colgan '036 patent. Accordingly, claim 1 is in condition for allowance. Furthermore, claims 3-25 and 28 depend from claim 1 and since claim 1 defines patentable subject matter as discussed above, claims 3-25 and 28 define patentable subject matter. Accordingly, claims 1, 3-25 and 28 are in condition for allowance.

The prior art of record also does not disclose the above noted features of claim 26. Specifically, the Colgan '036 patent does not disclose an input drive that causes oscillation of the transfer element and hence traversal relative to the rotatable output element to provide a rotational output, along with the remaining features of claim 26. In the Colgan '036 patent, the eccentric member 24 on the input shaft 14 does not traverse the pinion gear 30. Instead, the eccentric member rotates within the pinion gear. Applicant submits that rotating within is not traversing. The claimed invention is therefore novel over the Colgan '036 patent. Accordingly, claim 26 is in condition for allowance.

All pending claims 1, 3-26 and 28 are believed to be in condition for allowance and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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Date



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